

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

MARIO GOMEZ,

Plaintiff,

vs.

SHELBY PRISON C/O AARON
INFANGER,

Defendant.

Cause No. CV 21-114-GF-BMM-JTJ

ORDER

This matter has been pending for many months while Plaintiff Mario Gomez attempted to serve the remaining Defendant, Aaron Infanger. The Court previously issued a summons to Infanger. The summons was returned as unexecuted on June 29, 2022. (Doc. 19.) The Court directed Gomez on July 20, 2022 to provide a physical address where Infanger could be found and served. (Doc. 21.) The Court provided Gomez four extensions of time within which to locate Infanger and provide a service address. (*See* Docs. 23, 25, 28 and 31.)

Gomez recently provided a last known address for Infanger. (Doc. 32.) The Court directed the United States Marshals Service (“USMS”) to attempt personal service. (Doc. 33.) The summons was returned as unexecuted on February 7, 2023.

USMS informs the Court that Infanger no longer resides at the address that Gomez provided. (Doc. 35.) The Court has allowed Gomez more than eight months to locate and serve Infanger; he has been unable to do so. The Court sees no alternative, at this juncture, other than to dismiss this matter without prejudice. Gomez may refile a civil rights complaint if and when he is able to locate Infanger.

Accordingly, **IT IS HEREBY ORDERED:**

1. This matter is **DISMISSED WITHOUT PREJUDICE.**
2. The Clerk of Court is directed to enter a judgment of dismissal and close this case.

DATED this 21st day of March, 2023.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court